



OPY

PATENT
Attorney Docket No. 101.0078-00000
Customer No. 22882

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P. Prebilic
S. Byrce
1/2/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson, M.D.

Serial No.: 09/593,591

Filed: June 13, 2000

For: MANUFACTURED MAJOR
LONG BONE RING IMPLANT SHAPED
TO CONFORM TO A PREPARED
INTERVERTEBRAL IMPLANTATION
SPACE

Group Art Unit: 3738

Examiner: P. Prebilic

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TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b), but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

The following listed document was previously cited in an Information Disclosure Statement dated June 13, 2000, but not initialed by the Examiner indicating that it has been considered:

Muschler, et al.; The Biology of Spinal Fusion; Spinal Fusion
Science and Technique, Cotler and Cotler, pp. 9-13.

Copies of the remaining listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

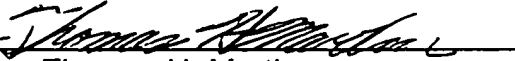
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: February 5, 2002

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0078-00000	Customer Number 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Gary K. Michelson, M.D.	Application Number 09/593,591	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>	Filing Date June 13, 2000	Group Art Unit 3738	Examiner P. Prebilic

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,766,252	06/1998	Henry et al.			
	5,888,227	03/1999	Cottle			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Muschler, et al.; The Biology of Spinal Fusion; Spinal Fusion Science and Technique, Cotler and Cotler, pp. 9-13.
	PCT International Search Report of International Application No. PCT/US01/14844, mailed October 25, 2001.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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